

**875—220.102(91D) Employment by the same public agency.**

**220.102(1)** Subparagraph 215.3(8) “*b*”(2) of [875] does not permit an individual to perform hours of volunteer service for a public agency when the hours involve the same type of services which the individual is employed to perform for the same public agency.

**220.102(2)** Whether two agencies of the same state or local government constitute the same public agency can only be determined on a case-by-case basis. One factor that would support a conclusion that two agencies are separate is whether they are treated separately for statistical purposes in the Census of Governments issued by the Bureau of the Census, U.S. Department of Commerce.

SOURCE: 29 CFR 553.102.